

property; and the managers, presidents and superintendents of all such institutions shall cause to be made semi-annually to the Comptroller of Public Accounts an itemized statement, showing all such sales and moneys recieved therefrom and from such leases: provided, that the Superintendent of Penitentiaries and the Regents of the University shall not be required to do more than is at present provided for by law, and they are exempt from the operation of this section.

Sec. 5. The fact that there is no appropriation for the support of the State government from March 1, 1901, to August 31, 1901, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and this act take effect from and after its passage, and it is so enacted.

#### ADJOURNMENT.

Senator Swann moved that the Senate stand adjourned until Tuesday, March 12, 10 o'clock a. m., and

Senator Lloyd moved that the Senate stand adjourned until Wednesday, March 13, 10 o'clock a. m., and

Senator Davidson of DeWitt moved that the Senate stand adjourned until Monday, March 11, 10 o'clock a. m.

Action being on the longest time first, the motion of Senator Lloyd was lost by the following vote:

Yeas—5.

Dibrell.	McGee.
Johnson.	Neal.
Lloyd.	

Nays—15.

Davidson of	Potter.
DeWitt.	Savage.
Davidson of	Staples.
Galveston.	Swann.
Grinnan.	Turner.
Harris of Bexar.	Wayland.
James.	Wheeler.
Odell.	Wilson.
Paulus.	

Absent.

Beaty.	Patterson.
Goss.	Sebastian.
Hanger.	Stafford.
Harris of Hunt.	Turney.
Lipscomb.	Yett.
Miller.	

Action recurring on the motion of Senator Swann, the same prevailed, and the Senate, at 12:45 o'clock p. m., accordingly adjourned until Tuesday, March 12, 10 o'clock a. m., by the following vote:

Yeas—11.

Beaty.	Neal.
Dibrell.	Swann.
Grinnan.	Turner.
Harris of Bexar.	Wayland.
Johnson.	Wilson.
McGee.	

Nays—9.

Davidson of	Paulus.
DeWitt.	Potter.
Davidson of	Savage.
Galveston.	Staples.
James.	Wheeler.
Lloyd.	

Absent.

Goss.	Patterson.
Hanger.	Sebastian.
Harris of Hunt.	Stafford.
Lipscomb.	Turney.
Miller.	Yett.
Odell.	

#### THIRTY-EIGHTH DAY.

Senate Chamber,  
Austin, Tex., Tuesday, March 12, 1901.

Senate met pursuant to adjournment.  
President Pro Tem. Miller in the chair.

Roll called. No quorum present, the following Senators answering to their names:

Present—20.

Beaty.	Neal.
Davidson of	Odell.
DeWitt.	Patterson.
Davidson of	Potter.
Galveston.	Savage.
Goss.	Staples.
Harris of Hunt.	Turner.
Johnson.	Wayland.
Lipscomb.	Wheeler.
McGee.	Wilson.
Miller.	Yett.

Absent—11.

Dibrell.	Paulus.
Grinnan.	Sebastian.
Hanger.	Stafford.
Harris of Bexar.	Swann.
James.	Turney.
Lloyd.	

Senator Davison of DeWitt moved a call of the Senate for the purpose of securing a quorum, which call being duly seconded, the doors were closed and the roll called, the following Senators answering to their names:

Present—20.

Beaty.	Davidson of
Davidson of	Galveston.
DeWitt.	Goss.

Harris of Hunt.	Potter.
Johnson.	Savage.
Lipscomb.	Staples.
McGee.	Turner.
Miller.	Wayland.
Neal.	Wheeler.
Odell.	Wilson.
Patterson.	Yett.

Absent—11.

Dibrell.	Paulus.
Grinnan.	Sebastian.
Hanger.	Stafford.
Harris of Bexar.	Swann.
James.	Turney.
Lloyd.	

Senator Swann was announced.

Senator James was announced, and

A quorum was announced present, the doors were reopened, and prayer was offered by the Chaplain, Rev. I. S. Davenport.

Pending the reading of the Journal of yesterday,

On motion of Senator Wilson, the same was dispensed with.

#### COMMITTEE REPORTS.

The following committee reports were made to the Senate:

Committee Room,  
Austin, Texas, March 9, 1901.

*Hon. J. N. Browning, President of the Senate.*

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 173, being a bill to be entitled "An Act to set apart one-half of the available school fund for 1900-1901 and 1901-1902 in the counties of Harris, Galveston, Wharton, Fort Bend, Brazoria, Matagorda, Waller, Austin and Colorado, situated in the storm-stricken district, for the purpose of repairing and rebuilding school houses,"

And find the same correctly engrossed.  
BEATY, Chairman.

Committee Room,  
Austin, Texas, March 9, 1901.

*Hon. J. N. Browning, President of the Senate.*

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 123, being a bill to be entitled "An Act to amend Chapter 2, of Title LXVI, of the Revised Statutes of Texas, relating to liens of mechanics, builders and material men,"

And find the same correctly engrossed.  
BEATY, Chairman.

Committee Room,  
Austin, Texas, March 9, 1901.

*Hon. J. N. Browning, President of the Senate.*

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Senate Joint Resolution No. 4, being A resolution to amend Section 30, of Article 16, of the Constitution of the State of Texas,

And find the same correctly engrossed.  
BEATY, Chairman.

Committee Room,  
Austin, Texas, March 9, 1901.

*Hon. J. N. Browning, President of the Senate.*

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 196, being a bill to be entitled "An Act to fix the fees of county judges for approving the bonds of liquor dealers,"

And find the same correctly engrossed.  
BEATY, Chairman.

Committee Room,  
Austin, Texas, March 9, 1901.

*Hon. J. N. Browning, President of the Senate.*

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 148, being a bill to be entitled "An Act to amend Article 5364, Title CXI, of the Revised Civil Statutes of 1895, relating to the wool growing interests of the State, so as to exclude the counties of Aransas and Calhoun from the counties exempted from the operations of said title, and to repeal all laws in conflict herewith, and declaring an emergency,"

And find the same correctly engrossed.  
BEATY, Chairman.

Committee Room,  
Austin, Texas, March 12, 1901.

*Hon. J. N. Browning, President of the Senate.*

SIR: Your Committee on Finance, to whom was referred

House bill No. 86, being a bill to be entitled "An Act to amend an Act passed by the First Called Session of the Twenty-fifth Legislature in the year 1897, entitled 'An Act to amend Article 5051 of the Revised Civil Statutes of 1895, relating to county warrants and the payment of taxes, and to repeal all laws in conflict herewith,'"

Have had the same under considera-

tion, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

WILSON, Acting Chairman.

#### BILLS AND RESOLUTIONS.

By Senator Miller (per Senator Davidson of DeWitt):

Senate bill No. 258, A bill to be entitled "An Act to amend the charter of the city of Dallas, entitled 'An Act to incorporate the city of Dallas, and to grant to it a new charter,' approved May 9, 1899, as amended by an act entitled 'An Act to amend Sections 12, 56, 77, 119 and 120 of "An Act to incorporate the city of Dallas, and to grant it a new charter," approved May 9, 1899, passed by the First Called Session of the Twenty-sixth Legislature, and to provide a just and effective law for making necessary street improvements, and paying the cost of the same, by adding to said city charter of the city of Dallas Sections 1a to 31a, inclusive, and by repealing all laws and parts of laws in conflict with such added sections, and to declare an emergency."

Read first time, and referred to Committee on Towns and City Corporations.

By Senator Miller (per Senator Davidson of DeWitt):

Senate bill No. 259, A bill to be entitled "An Act to amend certain sections of an act entitled 'An Act to incorporate the city of Dallas, and to grant it a new charter,' approved May 9, 1899, and subsequent amendments thereto, passed by the First Special Session of the Twenty-sixth Legislature."

Read first time, and referred to Committee on Towns and City Corporations.

#### EXCUSED.

On motion of Senator Wilson, Senator Miller was excused for non-attendance upon the Senate last Saturday on account of sickness.

On motion of Senator Davidson of DeWitt, Senator Sebastian was excused for non-attendance upon the Senate last week on account of important business.

On motion of Senator Staples, Senator Lipscomb was excused for non-attendance upon the Senate Friday and Saturday, last, on account of important business.

On motion of Senator Wayland, Senator Harris of Hunt was excused for non-attendance upon the Senate last Saturday on account of important business.

On motion of Senator James, Senator Yett was excused for non-attendance upon the Senate last Saturday, on account of important business.

25—Senate.

On motion of Senator Davidson of DeWitt, Senator Paulus was excused from attendance upon the Senate today on account of important business.

On motion of Senator Davidson of DeWitt, Senator Sebastian was excused from attendance upon the Senate until next Thursday on account of important business.

The Chair (President Pro Tem. Miller) here declared the morning call concluded.

#### SENATE BILL NO. 123—ON THIRD READING.

On motion of Senator Davidson of DeWitt, pending special order of business (Senate bill No. 74) was suspended, and the Senate took up, out of its order,

Senate bill No. 123, A bill to be entitled "An Act to amend Chapter 2, of Title LXVI, of the Revised Statutes of Texas, relating to liens of mechanics, builders and material men."

The Chair (President Pro Tem. Miller) then laid the bill before the Senate, on its third reading.

Bill was read third time, and passed.

#### SENATE BILL NO. 74 (DOUBLE-HEADER) PENDING BUSINESS.

The Chair (President Pro Tem. Miller) here laid before the Senate pending business,

Senate bill No. 74 (double-header),

Question being on adoption of the following substitute offered by Senator Neal:

"Amend by striking out all of Sections 1, 2 and 3 of printed bill and insert in lieu thereof the following:

"Section 1. Be it enacted by the Legislature of the State of Texas: That the operation of double-header trains, that is, two or more locomotive engines on one train, over any line of railway in this State, except on divisions where heavy grades necessitate the use of two or more locomotives to handle a reasonable number of cars, be and the same is hereby prohibited.

"Sec. 2. Where complaint is made to the Railroad Commission that any railroad in this State is running on any division thereof two or more engines, where any one of such engines could haul a reasonable number of cars, the Railroad Commission, after ten days' notice to the railroad company in question of the time and place when said complaint will be heard, shall hear and determine the same, and if the Railroad Commission shall find that such railroad has been running in one train two or more

engines, where one of such engines could haul a reasonable number of cars, the Railroad Commission shall enter its order to that effect, and shall make such other and further orders as may be necessary to prevent the said railroad company from so doing thereafter, and the said Railroad Commission shall make and is hereby empowered to make from time to time such orders as may be necessary to prevent the running of two or more engines in any one train on any division of any railroad in this State, where one of such engines could haul a reasonable number of cars, and the said Railroad Commission may change or modify such orders from time to time as in its judgment may be necessary.

"Sec. 3. Notice of any order made by the Railroad Commission under Section 2 of this act shall be served upon the railroad company affected by it. Said notice shall contain a full copy of said order, and shall be directed to the sheriff or any constable of the county where the general office of such railroad is located and a copy of the same shall be delivered by the officer executing the same to the president or vice-president, general manager, general superintendent or any general officers of such railroad in this State residing in said county, or to any receiver of any such railroad, and said officers executing the said writ shall make his return on the original and deliver the same with his return forthwith to the Railroad Commission, and it shall be the duty of such railroad company or receiver thereof to obey said order, and any railroad corporation or receiver thereof who shall at any time after such notice shall have been served for ten days violate the order of the Commission shall be liable to the State of Texas for a penalty of not more than \$5000 for each offense, and such penalty shall be recovered and suits therefor shall be brought in the name of the State of Texas in the proper court having jurisdiction thereof in Travis county or in any county into or through which such railroad may run by the Attorney General or under his direction, and such suits shall be subject to the provisions of Article 4577 of the Revised Civil Statutes."

For the following amendment offered by Senator James:

"Amend the bill, Section 1, by striking out all of lines 17, 18 and 19, and by adding in lieu thereof the following after the word 'trains' at the end of line 16: 'On divisions where heavy grades necessitate the use of two or more locomotives to handle a reasonable number of cars.'"

(Lieutenant-Governor Browning in the chair.)

#### HOUSE CONCURRENT RESOLUTION NO. 20—SIGNED.

Pending further consideration of pending business, Senate bill No. 74 (double-header), the Chair gave notice of signing, and did sign, in the presence of the Senate, after its caption had been read,

House Concurrent Resolution No. 20, Authorizing and empowering the Governor, in the name of the State of Texas, to convey certain lands contiguous to the State Orphan Home at Corsicana, 386 acres of which belongs to Rufus Hardy, a citizen of Navarro county.

#### TELEGRAPHIC INVITATION.

The Chair here delivered to the Senate and had read the following telegraphic invitation:

San Antonio, Tex., March 11, 1901.

*Lieutenant-Governor J. N. Browning and Senate, Austin, Texas:*

Yourself and members of Senate are respectfully invited to meet with us tomorrow, the silver anniversary of Cattle Raisers' Association. Local committee and citizens of San Antonio hope you will accept.

Signed—Jno. Kokernot, D. J. Woodward, Homer Eads, Thomas Coleman, D. K. Furnish, J. J. Stevens, V. P. Brown.

#### SENATE BILL NO. 16—FREE CONFERENCE COMMITTEE APPOINTED.

The Chair here announced the appointment of the following Free Conference Committee on the part of the Senate on Senate bill No. 16 (see Journal March 9, page 416):

Senators Davidson of Galveston, Beaty, Turner, Wilson and Savage.

#### SENATE CONCURRENT RESOLUTION NO. 11.

Senator James introduced the following concurrent resolution:

Be it resolved by the Senate of Texas, the House of Representatives concurring, That the Regular Session of the Twenty-seventh Legislature of Texas stand adjourned sine die April 9, 1901, at 12 o'clock m.

Read second time, and adopted.

Senator James moved to reconsider the vote by which the resolution was adopted, and lay that motion on the table.

Motion to table prevailed.

## COMMITTEE REPORTS.

(By unanimous consent.)

Committee Room,  
Austin, Texas, March 12, 1901.

*Hon. J. N. Browning, President of the Senate.*

SIR: Your Committee on Towns and City Corporations, to whom was referred Senate bill No. 258, being a bill to be entitled "An Act to amend the charter of the city of Dallas, entitled 'An Act to incorporate the city of Dallas, and to grant it a new charter,' approved May 9, 1899, as amended by an act entitled 'An Act to amend Sections 12, 56, 77, 119 and 120 of 'An Act to incorporate the city of Dallas, and to grant it a new charter,' approved May 9, 1899, passed by the First Called Session of the Twenty-sixth Legislature, and to provide a just and effective law for making necessary street improvements and paying the cost of the same, by adding to said city charter of the city of Dallas Sections 1a to 31a, inclusive, and by repealing all laws and parts of laws in conflict with such added sections, and to declare an emergency,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*, and be not printed.

Floor report by Davidson of Galveston, Neal, Wayland, Patterson, Lipscomb, Davidson of DeWitt and Miller.

DAVIDSON of Galveston, Chairman.

Committee Room,  
Austin, Texas, March 12, 1901.

*Hon. J. N. Browning, President of the Senate.*

SIR: Your Committee on Towns and City Corporations, to whom was referred

Senate bill No. 259, being a bill to be entitled "An Act to amend certain sections of an act entitled 'An Act to incorporate the city of Dallas, and to grant it a new charter,' approved First Special Session of the Twenty-sixth Legislature,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*, and be not printed.

Floor report by Davidson of Galveston, Neal, Wayland, Patterson, Lipscomb, Davidson of DeWitt and Miller.

DAVIDSON of Galveston, Chairman.

Committee Room,  
Austin, Texas, March 12, 1901.

*Hon. J. N. Browning, President of the Senate.*

SIR: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 249, being a bill to be entitled "An Act to restore and confer upon the county court of Angelina county the civil and criminal jurisdiction heretofore belonging to said court under the Constitution and General Statutes of the State of Texas; to define the jurisdiction of said court; to conform the jurisdiction of the district court of said county to such change; to fix the time of holding court; and to repeal all laws and parts of laws in conflict with this act,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

Floor report.

HANGER, Acting Chairman.

## RECESS.

The Senate, at 12:35 o'clock p. m., on motion of Senator Potter, recessed until 3 o'clock p. m.

## AFTER RECESS.

## SENATE BILL NO. 258—SENATE RULE SUSPENDED.

Pending further consideration of the special order, Senate bill No. 74 (double-header),

On motion of Senator Miller, the same was suspended, and the Senate took up, out of its order,

Senate bill No. 258, reported this day by committee (for caption see committee report above).

On further motion of Senator Miller, the Senate rule requiring committee reports to lay over for one day was suspended for the purpose of considering Senate bill No. 258, and

On further motion of Senator Miller, the constitutional rule requiring bills to be read on three several days, for the purpose of taking up Senate bill No. 258, on its second reading, was suspended by the following vote:

Yeas—21.

Beaty.	Johnson.
Davidson of	Lipscomb.
DeWitt.	McGee.
Grinnan.	Miller.
Hanger.	Neal.
Harris of Hunt.	Odell.
James.	Potter.

Savage.	Wayland.
Staples.	Wheeler.
Swann.	Wilson.
Turner.	Yett.

Absent.

Davidson of	Lloyd.
Galveston.	Patterson.
Dibrell.	Stafford.
Goss.	Turney.
Harris of Bexar.	

Absent—Excused.

Paulus.	Sebastian.
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The Chair then laid the bill before the Senate, on its second reading.

Bill was read second time, and ordered engrossed.

On motion of Senator Miller, the constitutional rule requiring bills to be read on three several days was further suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—23.

Beaty.	Neal.
Davidson of	Odell.
DeWitt.	Patterson.
Goss.	Potter.
Grinnan.	Savage.
Hanger.	Staples.
Harris of Hunt.	Swann.
James.	Turner.
Johnson.	Wayland.
Lipscomb.	Wheeler.
McGee.	Wilson.
Miller.	Yett.

Absent.

Davidson of	Lloyd.
Galveston.	Stafford.
Dibrell.	Turney.
Harris of Bexar.	

Absent—Excused.

Paulus.	Sebastian.
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Bill was read third time, and passed by the following vote:

Yeas—24.

Beaty.	Miller.
Davidson of	Neal.
DeWitt.	Odell.
Davidson of	Patterson.
Galveston.	Potter.
Goss.	Savage.
Grinnan.	Staples.
Hanger.	Swann.
Harris of Hunt.	Turner.
James.	Wayland.
Johnson.	Wheeler.
Lipscomb.	Wilson.
McGee.	Yett.

Absent.

Dibrell.	Stafford.
Harris of Bexar.	Turney.
Lloyd.	

Absent—Excused.

Paulus.	Sebastian.
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Senator Miller moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

Motion to table prevailed.

#### SENATE BILL NO. 259—SENATE RULE SUSPENDED.

On motion of Senator Miller, the pending special order of business (Senate bill No. 74) was suspended and the Senate took up, out of its order,

Senate bill No. 259, reported this day by the committee (for caption see committee report above).

On further motion of Senator Miller, the Senate rule requiring committee reports to lay over for one day was suspended for the purpose of considering Senate bill No. 259, and

On further motion of Senator Miller, the constitutional rule requiring bills to be read on three several days, for the purpose of taking up Senate bill No. 259, on its second reading, was suspended by the following vote:

Yeas—21.

Beaty.	Miller.
Davidson of	Neal.
DeWitt.	Odell.
Davidson of	Patterson.
Galveston.	Potter.
Goss.	Staples.
Grinnan.	Turner.
Hanger.	Wayland.
Harris of Hunt.	Wheeler.
James.	Wilson.
Lipscomb.	Yett.
McGee.	

Absent.

Dibrell.	Savage.
Harris of Bexar.	Stafford.
Johnson.	Swann.
Lloyd.	Turney.

Absent—Excused.

Paulus.	Sebastian.
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The Chair then laid the bill before the Senate, on its second reading.

Bill was read second time, and ordered engrossed.

On motion of Senator Miller, the constitutional rule requiring bills to be read on three several days was further suspended and the bill put on its third reading and final passage by the following vote:

Yeas—21.

Beaty.	Davidson of
Davidson of	Galveston.
DeWitt.	Goss.

Grinnan.	Patterson.
Hanger.	Potter.
Harris of Hunt.	Staples.
James.	Turner.
Lipscomb.	Wayland.
McGee.	Wheeler.
Miller.	Wilson.
Neal.	Yett.
Odell.	

Absent.

Dibrell.	Savage.
Harris of Bexar.	Stafford.
Johnson.	Swann.
Lloyd.	Turney.

Absent—Excused.

Paulus.	Sebastian.
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Bill was read third time, and passed by the following vote:

Yeas—21.

Beaty.	Miller.
Davidson of	Neal.
DeWitt.	Odell.
Davidson of	Patterson.
Galveston.	Savage.
Goss.	Staples.
Grinnan.	Turner.
Hanger.	Wayland.
Harris of Hunt.	Wheeler.
James.	Wilson.
Lipscomb.	Yett.
McGee.	

Absent.

Dibrell.	Potter.
Harris of Bexar.	Stafford.
Johnson.	Swann.
Lloyd.	Turney.

Absent—Excused.

Paulus.	Sebastian.
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Senator Miller moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

Motion to table prevailed.

## COMMITTEE REPORTS.

(By unanimous consent.)

Committee Room,  
Austin, Texas, March 12, 1901.

*Hon. J. N. Browning, President of the Senate.*

SIR: Your Committee on Constitutional Amendments, to whom was referred

Senate Joint Resolution No. 1, To amend the Constitution of the State of Texas by adding Article 12a thereto; defining and regulating franchises and insolvent corporations; defining and prohibiting the use of corporate funds in politics; defining and prohibiting free passes over railways, and prescribing the

procedure and remedies to give force and effect thereto.

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do not* pass, for the reason that it has been defeated in the House and it will be impossible for this Senate to consider them.

DAVIDSON of DeWitt, Chairman.

(Senator Davidson of DeWitt in the chair.)

Committee Room,  
Austin, Texas, March 9, 1901.

*Hon. J. N. Browning, President of the Senate.*

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 58, being a bill to be entitled "An Act to prohibit the traffic in examination questions used by the county school boards of examiners or by the summer normal boards of examiners in examination of teachers, and providing a penalty for the violation thereof,"

And find the same correctly engrossed.

BEATY, Chairman.

Committee Room,  
Austin, Texas, March 9, 1901.

*Hon. J. N. Browning, President of the Senate.*

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 139, being a bill to be entitled "An Act to amend Article 3917, Revised Statutes, defining the duties of county judges, county, city and town superintendents, county and city treasurers and treasurers of school boards and other school officers and teachers in the matter of making reports to the Department of Education, and imposing penalties for the non-performance of these duties,"

And find the same correctly engrossed.

BEATY, Chairman.

Committee Room,  
Austin, Texas, March 9, 1901.

*Hon. J. N. Browning, President of the Senate.*

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 141, being a bill to be entitled "An Act to provide for the execution in marble of the models of Sam Houston and Stephen F. Austin, donated to the State by the celebrated artist Elizabeth Ney, and to make an appropriation

therefor, and to provide for placing such statutes in the capitol of the State,"

And find the same correctly engrossed.

BEATY, Chairman.

Committee Room,

Austin, Texas, March 12, 1901.

*Hon. J. N. Browning, President of the the Senate.*

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 206, being a bill to be entitled "An Act to amend Section 4, of Chapter 5, of the Acts of the Special Session of the Twenty-fifth Legislature of the State of Texas, approved June 16, 1897, relating to the fees of sheriffs and constables; providing the amount of such fees, and for the payment of sheriffs and constables' costs,"

And find the same correctly engrossed.

BEATY, Chairman.

#### BILLS AND RESOLUTIONS.

By unanimous consent, the following were introduced:

By Senator Potter:

Senate bill No. 260, A bill to be entitled "An Act to require every person, partnership, firm, company, corporation or association doing an express business in this State to keep a general office in this State, and to furnish such information in relation to its property, indebtedness and business as may be required by the Railroad Commission, and to prescribe penalties for the violations of this act."

Read first time, and referred to Committee on Internal Improvements.

#### SENATE JOINT RESOLUTION NO. 5 —SENATE REFUSED TO TAKE UP.

Senator Wilson moved to suspend the pending special order, Senate bill No. 74 (double-header) for the purpose of taking up

Senate Joint Resolution No. 5, Amending the Constitution of the State of Texas, by adding thereto Article 11a, so as to allow incorporated cities and towns, by vote of the tax-payers thereof, to exempt for a term of years from local taxation certain species of property.

Motion to suspend was lost.

#### SENATE BILL NO. 74 (DOUBLE- HEADER)—PENDING SPE- CIAL ORDER.

The Senate here resumed consideration of the pending special order, Senate bill No. 74 (double-header), question being on the adoption of the substitute offered

by Senator Neal for the amendment offered by Senator James.

#### SENATE BILL NO. 74—PREVIOUS QUESTION ORDERED.

Senator James moved the previous question on the substitute, the amendment and the bill, which motion being duly seconded,

The Chair (Senator Davidson of DeWitt) put the question—

Shall the main question be ordered?

(Lieutenant-Governor Browning in the chair.)

On that motion, Senator Turner moved a call of the Senate, which was not seconded, and

The main question was then ordered.

#### SENATE BILL NO. 74—BILL ORDER- ED ENGROSSED.

Action under the ordering of the main question recurring on the substitute by Senator Neal for the amendment by Senator James (see above), the same was lost by the following vote:

Yeas—7.

Beaty.	Neal.
Davidson of	Patterson.
Galveston.	Turner.
Goss.	Wayland.

Nays—14.

Davidson of	Odell.
DeWitt.	Savage.
Harris of Hunt.	Staples.
James.	Swann.
Johnson.	Wheeler.
Lipscomb.	Wilson.
McGee.	Yett.
Miller.	

Absent.

Harris of Bexar.	Turney.
Stafford.	

Absent—Excused.

Paulus.

PAIRED.

Senator Grinnan, present, who would vote *nay* with Senator Lloyd, absent, who would vote *yea*.

Senator Hanger, present, who would vote *nay* with Senator Sebastian, absent, who would vote *yea*.

Senator Potter, present, who would vote *nay* with Senator Dibrell, absent, who would vote *yea*.

Action then recurring on the amendment offered by Senator James,

Senator Turner moved a call of the Senate, which was duly seconded.

Senator Hanger raised the point of order that the call of the Senate had been



made too late, as the previous question had been moved.

Point of order was overruled, and the roll was ordered called under Senator Turner's call of the Senate, the following Senators answering to their names:

## Present—23.

Beaty.	Miller.
Davidson of	Neal.
DeWitt.	Odell.
Davidson of	Potter.
Galveston.	Savage.
Goss.	Staples.
Grinnan.	Swann.
Hanger.	Turner.
Harris of Hunt.	Wayland.
James.	Wheeler.
Johnson.	Wilson.
Lipscomb.	Yett.
McGee.	

## Absent—6.

Dibrell.	Patterson.
Harris of Bexar.	Stafford.
Lloyd.	Turney.

## Absent—Excused.

Paulus.	Sebastian.
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Senator Hanger moved that the foregoing absentees be excused.

The motion prevailed by the following vote:

## Yeas—14.

Davidson of	Miller.
DeWitt.	Odell.
Grinnan.	Savage.
Harris of Hunt.	Staples.
James.	Swann.
Johnson.	Wheeler.
Lipscomb.	Yett.
McGee.	

## Nays—7.

Beaty.	Neal.
Davidson of	Turner.
Galveston.	Wayland.
Goss.	Wilson.

## Absent.

Harris of Bexar.	Stafford.
Lloyd.	Turney.
Patterson.	

## Absent—Excused.

Paulus.

## PAIRED.

Senator Hanger, present, who would vote *yea* with Senator Sebastian, absent, who would vote *nay*.

Senator Potter, present, who would vote *yea*, with Senator Dibrell, absent, who would vote *nay*.

The absentees being excused, action recurred on the amendment by Senator James, and same was adopted by the following vote:

## Yeas—13.

Beaty.	Neal.
Davidson of	Potter.
DeWitt.	Savage.
Davidson of	Turner.
Galveston.	Wayland.
Goss.	Wilson.
James.	Yett.
McGee.	

## Nays—9.

Grinnan.	Odell.
Harris of Hunt.	Staples.
Johnson.	Swann.
Lipscomb.	Wheeler.
Miller.	

## Absent.

Dibrell.	Patterson.
Harris of Bexar.	Stafford.
Lloyd.	Turney.

## Absent—Excused.

Paulus.

## PAIRED.

Senator Hanger, present, who would vote *nay* with Senator Sebastian, absent, who would vote *yea*.

The bill was then ordered engrossed by the following vote:

## Yeas—19.

Beaty.	Miller.
Davidson of	Neal.
DeWitt.	Odell.
Davidson of	Savage.
Galveston.	Staples.
Grinnan.	Swann.
Harris of Hunt.	Wayland.
James.	Wheeler.
Johnson.	Wilson.
Lipscomb.	Yett.
McGee.	

## Nays—2.

Goss.	Turner.
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## Absent.

Harris of Bexar.	Stafford.
Lloyd.	Turney.
Patterson.	

## Absent—Excused.

Paulus.

## PAIRED.

Senator Hanger, present, who would vote *yea* with Senator Sebastian, absent, who would vote *nay*.

Senator Potter, present, who would vote *yea* with Senator Dibrell, absent, who would vote *nay*.

## SENATE BILL NO. 74—ON THIRD READING.

Senator Odell moved that the constitutional rule requiring bills to be read on three several days be suspended, and

that the bill be put on its third reading and final passage.

Pending that motion,

Senator Turner moved that the Senate stand adjourned until 10 o'clock a. m. tomorrow, which motion was lost by the following vote:

Yeas—6.

Beaty.	Swann.
Davidson of	Turner.
Galveston.	Wayland.
Goss.	

Nays—17.

Davidson of	Miller.
DeWitt.	Neal.
Grinnan.	Odell.
Hanger.	Potter.
Harris of Hunt.	Savage.
James.	Staples.
Johnson.	Wheeler.
Lipscomb.	Wilson.
McGee.	Yett.

Absent.

Dibrell.	Patterson.
Harris of Bexar.	Stafford.
Lloyd.	Turney.

Absent—Excused.

Paulus.	Sebastian.
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The constitutional rule was then suspended by the following vote:

Yeas—18.

Davidson of	Odell.
DeWitt.	Patterson.
Grinnan.	Potter.
Harris of Hunt.	Savage.
James.	Staples.
Johnson.	Swann.
Lipscomb.	Wayland.
McGee.	Wheeler.
Miller.	Wilson.
Neal.	Yett.

Nays—3.

Davidson of	Goss.
Galveston.	Turner.

Absent.

Beaty.	Lloyd.
Dibrell.	Stafford.
Harris of Bexar.	Turney.

Absent—Excused.

Paulus.

PAIRED.

Senator Hanger, present, who would vote *yea* with Senator Sebastian, absent, who would vote *nay*.

Bill was read third time.

Senator Odell offered the following amendment:

"Amend Section 2, after line 26, by adding the following: 'or by the county or district attorney in any county

through, into or out of which said trains may be operated.'"

Amendment was read and adopted by the following vote:

Yeas—15.

Davidson of	Miller.
DeWitt.	Odell.
Grinnan.	Savage.
Harris of Hunt.	Staples.
James.	Swann.
Johnson.	Wheeler.
Lipscomb.	Wilson.
McGee.	Yett.

Nays—6.

Beaty.	Neal.
Davidson of	Turner.
Galveston.	Wayland.
Goss.	

Absent.

Harris of Bexar.	Stafford.
Lloyd.	Turney.
Patterson.	

Absent—Excused.

Paulus.

PAIRED.

Senator Hanger, present, who would vote *yea* with Senator Sebastian, absent, who would vote *nay*.

Senator Potter, present, who would vote *yea* with Senator Dibrell, absent, who would vote *nay*.

Senator Grinnan offered the following amendment:

"Amend Section 1 by adding thereto the following: 'And a reasonable number of cars as referred to in this act is any number of cars not exceeding thirty.'"

Amendment was read, and

Senator Davidson of DeWitt offered the following amendment to the amendment:

"Amend the amendment by adding the word 'loaded' before the word 'cars.'"

(President Pro Tem. Miller in the chair.)

The amendment to the amendment offered by Senator Davidson of DeWitt was read, and adopted by the following vote:

Yeas—19.

Davidson of	Neal.
DeWitt.	Odell.
Davidson of	Savage.
Galveston.	Staples.
Grinnan.	Swann.
Harris of Hunt.	Turner.
James.	Wayland.
Johnson.	Wheeler.
Lipscomb.	Wilson.
Miller.	Yett.

## Nays—1.

Beaty.

Present—Not voting.

McGee.

Potter.

Absent.

Dibrell.

Patterson.

Goss.

Stafford.

Harris of Bexar.

Turney.

Lloyd.

Absent—Excused.

Paulus.

## PAIRED.

Senator Hanger, present, who would vote *yea* with Senator Sebastian, absent, who would vote *nay*.

REASONS FOR NOT VOTING—BY  
SENATOR POTTER.

"Because of the uncertainty as to whether the pair with the Senator from Guadalupe (Dibrell) applies on this question, I desire to be marked present and not voting.

"POTTER."

Action recurring on the amendment offered by Senator Grinnan,

Senator Hanger offered the following amendment to the amendment:

"Amend the amendment by striking out 'thirty' and inserting in lieu thereof the word 'forty.'"

Amendment to the amendment was read, and lost by the following vote:

## Yeas—10.

Davidson of

Swann.

Galveston.

Turner.

Hanger.

Wayland.

Johnson.

Wilson.

McGee.

Yett.

Neal.

## Nays—10.

Davidson of

Miller.

DeWitt.

Odell.

Grinnan.

Savage.

Harris of Hunt.

Staples.

James.

Wheeler.

Lipscomb.

Present—Not voting.

Potter.

Absent.

Beaty.

Lloyd.

Dibrell.

Patterson.

Goss.

Stafford.

Harris of Bexar.

Turney.

Absent—Excused.

Paulus.

Sebastian.

REASONS FOR VOTE—BY SENATOR  
POTTER.

"Because of the uncertainty as to whether the pair with the Senator from Guadalupe (Dibrell) applies on this question, I desire to be marked present and not voting.

"POTTER."

Action then recurring on the amendment offered by Senator Grinnan, the same was lost by the following vote:

## Yeas—9.

DeWitt.

Miller.

Davidson of

Odell.

Grinnan.

Savage.

Harris of Hunt.

Staples.

Johnson.

Wheeler.

## Nays—9.

Davidson of

Swann.

Galveston.

Turner.

James.

Wayland.

Lipscomb.

Wilson.

Neal.

Yett.

Present—Not voting.

McGee.

Potter.

Absent.

Beaty.

Lloyd.

Dibrell.

Patterson.

Goss.

Stafford.

Harris of Bexar.

Turney.

Absent—Excused.

Paulus.

## PAIRED.

Senator Hanger, present, who would vote *yea* with Senator Sebastian, absent, who would vote *nay*.

REASONS FOR VOTE—BY SENATOR  
POTTER.

"Because of the uncertainty as to whether the pair with the Senator from Guadalupe (Dibrell) applies on this question, I desire to be marked present and not voting.

"POTTER."

## SENATE BILL NO. 74—PASSED.

The bill then passed finally, and

Senator Odell moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

Motion to table prevailed.

SENATE BILL NO. 238—ON SECOND  
READING.

On motion of Senator Potter, the pending special order of business (Senate bill No. 13) was suspended and the Senate took up, out of its order,

Senate bill No. 238, A bill to be entitled "An Act to amend Section 4 of the act of the Called Session of the Twenty-sixth Legislature, approved February 21, 1900, relating to the selection of the trustees in independent school districts."

The Chair (President Pro Tem. Miller) then laid the bill before the Senate, on its second reading.

Bill was read second time.

#### SENATE BILL NO. 22—ON SECOND READING.

Pending further action on Senate bill No. 238, the same, on motion of Senator McGee, was suspended and the Senate took up, out of its order,

Senate bill No. 22, A bill to be entitled "An Act to provide for the incorporation of mutual fire insurance companies, and defining their powers and duties."

The Chair (President Pro Tem. Miller) then laid the bill before the Senate, on its second reading.

Bill was read second time, and

Senator McGee offered the following amendment:

"Amend Senate bill No. 22 by striking out all after the enacting clause and inserting the following in lieu thereof:

"Section 1. That any number of persons, not less than three nor more than thirteen, who are resident citizens of this State, may form and incorporate a company for the purpose of mutual insurance against loss or damage by fire, lightning, winds, storms and cyclones.

"Sec. 2. No company formed under this act for the purpose of doing a fire insurance business on the plan of mutual insurance shall commence business until not less than one hundred and twenty-five thousand (125,000) dollars of insurance, in not less than fifty (50) separate risks, no one of which, for the purpose of organization, shall exceed five thousand (5,000) dollars, shall have been subscribed and the premium thereon paid in cash, such premium aggregating not less than two thousand five hundred (2,500) dollars.

"Sec. 3. Mutual fire insurance companies heretofore organized under this act shall charge and collect in advance upon their policies a full annual premium on all policies written for one year and a pro rata of an annual premium upon all policies for a longer or shorter period. Any such company must in its by-laws and its policies fix, by uniform rule, the contingent liability, if any, of its members for the payment of losses and expenses, and such contingent liabilities shall not be more than one additional cash premium as written in the pol-

icy; such liability shall cease with the expiration of the time for which the premium has been paid.

"Sec. 4. On all policies of insurance issued by mutual fire insurance companies, not less than twenty-five (25) per cent. of the premium shall be paid in cash; and such companies may take the note of assured for unpaid portion, such balance to become payable in whole or in part at such time or times as the directors of the company shall decide. A failure, however, to pay such note at maturity shall void the policy from and after that date.

"Sec. 5. Any mutual fire insurance company now existing or which may hereafter be organized shall, in addition to complying with Sections 1 and 2 of this act, establish a guaranty reserve fund of not less than fifty thousand (50,000) dollars, divided in certificates of fifty (50) dollars each, not less than 10 per cent. of which shall be paid in cash. This fund shall be held as a reinsuring reserve, and to pay losses when all other available funds are exhausted, and the unpaid portion of such certificates shall be subject to such assessment as may be necessary in order to reinsure the risks in force at any time such action may be required, or to pay losses when all other funds are exhausted.

"Sec. 6. The holders of the guaranty reinsuring fund certificates of a company shall be entitled to a semi-annual dividend of not more than three per centum on their respective certificates, such dividend to be paid only out of the net profits remaining after the payment of all losses, expenses and other liabilities incurred up to the date of such dividend. Holders of such certificates shall be considered members, and shall be entitled to one vote for each certificate of the par value of fifty (50) dollars held. But no company with a guaranty reserve fund, which has ceased to do new business, shall divide to its holders of guaranty certificates any part of its assets or guaranty reinsuring fund until it shall have performed or canceled its policy obligations.

"Sec. 7. Whenever a mutual fire insurance company is not possessed of cash funds sufficient for the payment of all losses and expenses due and unpaid, it shall make an assessment for the amount needed to pay such losses and expenses upon its members or policy holders liable to assessment therefore in proportion to their several liability.

"Sec. 8. The directors of any mutual fire insurance company may, from time to time, by vote, fix and determine the amount to be paid as a dividend

upon policies expiring during each year, but no dividend shall be declared or paid except from actual profits.

"Sec. 9. If any person shall neglect or refuse to pay the sum assessed against him for thirty days after the publication and mailing or delivery of notice of assessment, the directors of said company may sue for same in the county where its home office is located, and may recover the whole amount of his contingent liability as stated in the policy and by-laws, with cost of suit and 10 per cent. attorney's fees. But no person shall, in any case, be liable for any greater amount than the contingent liability as stated in the face of the policy.

"Sec. 10. Every person insured by mutual fire insurance company, and the holder of one or more policies, shall become and be a member and entitled to one vote while his policy or policies are in force, and shall be notified of the time and place of holding its meetings by a written notice or by imprint upon each policy receipt of certificate or renewal as follows, to wit:

"The assured is hereby notified that by virtue of this policy he is a member of ..... insurance company, and that the annual meetings of such company are held at its home office on the ..... day of ..... in each year at ..... o'clock.

"The blanks shall be filled in print, and the same shall be deemed sufficient notice. A corporation by effecting insurance becomes a member of such company, and such corporation through its proper representative shall have all the rights and standing of an individual member. Any person holding property in trust may insure the same in such company, and as such trustee assume the liability and be entitled to the rights of a member, but shall not be personally liable upon such contracts of insurance.

"Sec. 11. Members may vote by proxies when such proxies are filed with the secretary of the company ten days before the meeting at which they are to be used, and the right to vote as desired cannot be changed by rules or by-laws. Every such company shall elect by ballot a board of not less than three directors, who shall manage and conduct the business for one year or for such term as the by-laws may provide and until their successors are qualified. Such directors shall be citizens of this State, and no person shall hold office unless he is a member as provided for in this act.

"Sec. 12. Mutual fire insurance companies doing business under this act, and having complied with Sections 1, 2 and

5, shall, in addition thereto, set aside out of the premium of each policy, at the time of receiving same, a sum not less than two per cent. of the gross premium, as a reinsuring fund. But no such mutual company organized or doing business under this act shall use more than forty (40) per cent. of the gross premiums received for payment of salaries, commissions, and all other expenses of the company; the balance of such premiums shall be used for no other purpose except to pay losses and create reinsurance fund.

"Sec. 13. All provisions contained in the policies issued by mutual fire insurance companies, or endorsements thereon, which limit or define the extent of the company's liability in case of loss, shall be held to be valid and binding on both parties. Where a written or printed application, signed by the applicant, is made to any mutual company for the purpose of securing insurance and the same is accepted and a policy of insurance issued by the company, said application shall become a part of the contract, and any misrepresentations or false statement of facts shall void the policy.

"Sec. 14. Every mutual fire insurance company doing business in this State, under this act, shall, on or before the first day of March in each year, render the Commissioner of Insurance a report signed and sworn to by its chief officers, showing its condition on the preceding 31st day of December, which shall include detailed statement of assets and liabilities, the amount and character of its business transactions and money received and expended during the year. Such companies shall at the time of rendering such statements pay to the Commissioner of Insurance one-fourth of one per cent. of all premium received, as shown by said statement. Upon receiving same the Commissioner shall issue a permit to said company to do business under this act for said year, and upon application and a payment of fifty (50) cents each, the Commissioner shall issue to such person or persons as may be designated by said company, a certificate of authority to transact business as agent for such company for said year.

"Sec. 15. Any mutual fire insurance company doing business under this act may invest its surplus funds in interest-bearing bonds of the United States or of this State, or any county, city or town of this State, when same have been approved by the Attorney General, or first mortgage on improved real estate when same is reasonably worth double the amount of such mortgage.

"Sec. 16. The officers of such companies shall give bond to the company for the faithful performance of their duties, in such amounts and manner as shall be prescribed by the board of directors. And any officer, director or manager of a mutual fire insurance company doing business under this act who shall be entrusted with the funds of such company, and having the authority for paying out same; and shall use, or permit to be used, any fund so entrusted to him or them for any other purpose than that which is designated under this act, shall be deemed to have committed a felony, and upon conviction shall be punished by imprisonment in the penitentiary for a term of not less than two years or more than five years.

"Sec. 17. That all mutual insurance companies heretofore organized under the laws of the State of Texas, or may hereafter organize, having power to make insurance against loss by fire, are hereby authorized to insure houses, buildings, growing crops, live stock and other property against lightning, wind storms, tornados and cyclones, or either or all of them; provided the same shall be clearly expressed in their policies. Such companies shall also be exempt from all laws of the State governing other insurance companies. And every mutual fire insurance company heretofore organized and doing business in this State shall have thirty days after the passage of this act to comply with the provisions of same, and the Commissioner upon receiving a statement from such company, sworn to by the secretary or president that all the provisions of this act have been complied with, shall issue a permit to such company to continue during the fiscal year.

"Sec. 18. The secretaries of mutual fire insurance companies heretofore organized under the laws of this State shall immediately place in some leading daily newspaper for at least ten days an advertisement giving notice to all members of such company that there will be a meeting at the company's office (giving the date and hour of said meeting) for the purpose of taking the necessary steps for reorganizing and complying with the provisions of this act or liquidating a majority vote of all members present in person or by proxies (such proxies must have been filed with the company not less than ten days) shall decide what action the company will take. They may reorganize in part or whole by declaring the board of directors and all offices of the company vacant, amending of the charter and electing a board of directors in conformity therewith, which board of directors shall adopt by-laws and elect

the necessary officers as provided by said by-laws. But no action taken by such members during said meeting shall in any manner invalidate previous contracts that may have been entered into by said company, and the retiring board of directors and officers shall continue to act with full power until the new board of directors are elected under the amended charter and the officers under the by-laws as adopted by said new board of directors."

On motion of Senator McGee, the bill was laid on the table subject to call.

#### ADJOURNMENT.

On motion of Senator Davidson of DeWitt, the Senate, at 6:45 o'clock p. m., adjourned until 10 o'clock a. m. tomorrow, leaving Senate bill No. 238 pending.

#### THIRTY-NINTH DAY.

Senate Chamber,  
Austin, Tex., Wednesday, March 13, 1901.

Senate met pursuant to adjournment.  
President Pro Tem. Miller in the chair.

Roll called. Quorum present, the following Senators answering to their names:

#### Present—24.

Beaty.	Neal.
Davidson of	Odell.
DeWitt.	Patterson.
Davidson of	Paulus.
Galveston.	Potter.
Goss.	Savage.
Grinnan.	Staples.
Harris of Hunt.	Swann.
James.	Turner.
Johnson.	Wayland.
Lipscomb.	Wheeler.
McGee.	Wilson.
Miller.	Yett.

#### Absent—6.

Dibrell.	Lloyd.
Hanger.	Stafford.
Harris of Bexar.	Turney.

#### Absent—Excused.

Sebastian.

Prayer by the Chaplain, Rev. I. S. Davenport.

Pending the reading of the Journal of yesterday,

On motion of Senator McGee, the same was dispensed with.